



U.S. Department of Justice

United States Attorney  
Southern District of New York

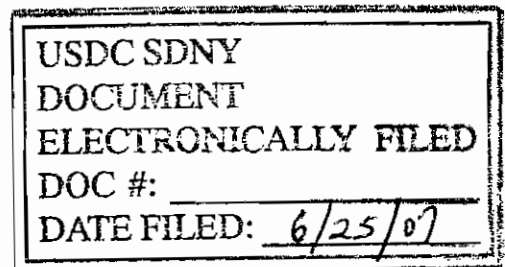
The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

**MEMO ENDORSED**

June 22, 2007

**By Hand**

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street - Room 1040  
New York, NY 10007



Re: *United States v. Jose Zumaya, et al.*  
07 Cr. 564 (DLC)

Dear Judge Cote:

The defendants in the above-captioned case were indicted on June 20, 2007, and the case was wheeled out to Your Honor. Please find a copy of the Indictment attached. The arraignment and first pre-trial conference have been scheduled for June 28, 2007 at 3:30 p.m.

In addition, the Government intends to make an application to revoke the bail package set for defendant Jose Zumaya based upon new information material to the defendant's risk of flight, pursuant to 18 U.S.C. § 3142(f)(2). On June 14, 2007, following argument, Magistrate Judge Freeman granted the defendant's request for bail, and ordered that the following conditions had to be satisfied prior to the defendant's release: (1) the posting of a \$350,000 bond signed by 5 co-signers and secured by two residences, one owned by Maria Del Carmen Gonzalez, and the other owned by Guadalupe Zumaya; (2) strict pre-trial supervision, including drug testing; and (3) the surrender of all travel documents and travel restricted to the Southern and Eastern Districts of New York, and the Southern District of Texas. A copy of the transcript of the bail hearing is enclosed. The defendant remains detained as he has not satisfied the above conditions.

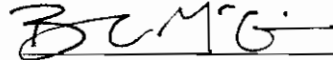
Finally, the Government respectfully requests that time be excluded from today until June 28, 2007 under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) to permit the Government to gather and prepare discovery. I have spoken to defense counsel for all three

defendants, and each has indicated that there is no objection to this request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:



Brendan R. McGuire  
Assistant United States Attorney  
212.637.2220

cc: Todd Greenberg, Esq. (via fax)  
Counsel for Jose Zumaya

Mitch Dinnerstein, Esq. (via fax)  
Counsel for Victor Perez

George Goltzer (via fax)  
Counsel for Ismael Roque

*Greenberg.*  
*Having concluded that the interests of*  
*justice outweigh the best interests of*  
*the defendant and public in a*  
*speedy trial, time is extended*  
*to 6/25/07.*

*James Cote*  
*June 22, 2007*